

In cases of murder, and the more so after a preliminary investigation, by a judicial officer, an investigation which ought to be thorough, and at which the accused person has the right to give any such relevant evidence as he chooses, and after a commitment for trial as the result of that investigation—and still more so in cases such as this, in which a true bill has been found also—the rule is, and should be, that the accused person should not be admitted to bail; the temptation to escape from a trial in such a case being too great to leave much, if any, great hope that bail to any amount would overcome it. But there well may be some exceptions to that rule, including the statutory one contained in the Habeas Corpus Act: see *Regina v. Bowen* (1840), 9 C. & P. 509.

And, having regard to all the circumstances of this case, including of course the fact that the prisoner was ready for and desired trial at the last Wellington assizes, the inclination of my judgment was, as I have said, to consider this case an exception to the rule; but I am now obliged to say that that inclination does not seem to run quite parallel with the decided cases; and it is a thing of great importance that there should be uniformity of practice in this respect; that the same rule should be applied to all accused persons in the like manner; that there should be no reason given for any one to think that it might depend upon the particular Judge applied to whether such an application as this failed or succeeded.

In the case of *Regina v. Chapman*, 8 C. & P. 558, the Chief Baron, Lord Abinger, at an Oxford assizes in the year 1838, seems to have said that in no case of murder, after bill found, should the prisoner be admitted to bail. And that too was a case like this, in which, at the instance of the Crown, the trial had been put off until the next assizes. But I cannot think any such hard and fast rule was intended to be laid down. I treat the language of the learned Chief Baron as having been inspired by the facts of the case he was considering and to be applicable to cases of like circumstances. I should add too that that case was made stronger for the applicant because bail to any amount that might be required was offered.

In the cases in the Courts of this Province, of *Regina v. Keeler* (1877), 7 P.R. 117, and *Regina v. Mullady* (1868), 4 P.R. 314, in each of which the question of granting or refusing the application was treated not as subject to any hard and fast rule, but as being in the judicial discretion of the Court, there were circumstances so much like those of this case that I can-